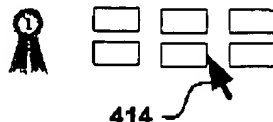


09/728,782

Remarks

The fee for a two-month extension of time accompanies the present amendment.

Fig. 4 is not amended herewith. Reference numeral 414 points to a typical cursor used to select items in a web browser:



If the Examiner's copy of the drawing does not match that shown above, a drawing correction will be submitted immediately.

The specification has been amended as helpfully suggested by the Examiner.

Claim 9 has been amended as also helpfully suggested by the Examiner.

To expedite the prosecution of this application, claims 1-6 and 16-24 are cancelled herewith, without prejudice or disclaimer, but may be made the subject of one or more divisional applications to be filed before the patenting of the present application.

Claims 1-7, 9-13 and 22-24 were rejected as being anticipated by Underwood, US patent 6,697,825. Reconsideration and withdrawal of these rejections are respectfully requested, for the following reasons.

Claim 7, as amended herewith, recites:

posting sales materials to an online collaboration tool, the online collaboration tool enabling both a sales representative and a potential customer to view, access and control the posted sales materials simultaneously on respective web browsers over a computer network, the sales materials including at least one of a presentation, a press release, an analyst review and a customer reference;

09/728,782

accessing a Web site of the potential customer and retrieving at least one of a graphic, text and configuration information therefrom;

Underwood is not believed to teach or suggest any method of selling anything online and does not teach or suggest any step of posting any sales material to an online collaboration tool, as defined herein. According to amended claim 7, the method for selling software includes a step of posting sales material to an online collaboration tool that is configured to enable both the sales representative and the potential customer to simultaneously view, access and control the posted sales material on respective web browsers over a computer network, such as the Internet. Underwood does not teach or suggest any method of selling software, and much less any method of selling software that includes steps of posting sales materials to such an online sales collaboration tool as defined in this application and as explicitly recited in claim 7.

In the outstanding Office Action, the Examiner points to Underwood's Web Definer as corresponding to the claimed online collaboration tool. However, Underwood does not teach or suggest that his Web Definer has the capability of enabling persons to simultaneously view access and control posted material on respective web browsers over a computer network, as claimed herein. The passages cited by the Examiner relative to the Web Definer (Col. 5, lines 23-28, Col. 6, lines 50-56 and Col. 28, lines 59-67) do not teach or suggest the use of such an online collaborative tool or the use of such a tool in the context of selling software to a potential customer, as claimed herein.

Underwood defines his Web Definer as follows:

A business owner, therefore, need only interact with the Web Definer to create and maintain a finished, polished web site. The Web Definer allows the owners of a web site to choose both the image, including look and feel, and the content information that their web site will present even though in most cases the owners of the business do not have the technical skills required to achieve this objective from scratch.

09/28,782

Thus, the Web Definer brings all of the elements created by skilled personnel using various tools and skills, together in a powerful and intuitive interface that can be easily used by non-technical end-users to create and maintain unique web sites of a professional quality. The Web Definer performs this function by collecting all essential elements of a web site and then simply allows the business owner to arrange, color, and combine these essential elements in an almost infinite number of ways. Thus, the Web Definer acts as a "web kaleidoscope" wherein by a user simply pressing various buttons or making other simple choices, the elements of a user's web site rearrange themselves in accordance with various parameters until a desired effect is obtained. Additionally, maintenance can be performed at any time, and the look and feel of a particular web site can be changed in a matter of minutes. This is because the Web Definer, while allowing a user to change the look and feel of a web site, maintains the content and navigation of the web site, if the user desires, without making any changes thereto. In this way, rather than tediously redefining and recording new areas of a web site to see how changes would be incorporated, it is simple for a user to simply select a new look and feel, colors, or any one of the other number of almost infinite combinations to re-present its web site in a different light. In the preferred embodiment, the process of rearranging or regenerating selected features of the web site while keeping others constant is so simple that the user can create, view, and save for future consideration, a large number of different versions by "trial and error"—all within a matter of minutes. (Col. 5, lines 33-56)

Referring back to FIG. 5, Web Definer link 530, if selected, directs client terminal 125 to the Web Definer module for creating and publishing a web site. In accordance with another embodiment of the invention, the Web Definer module is made available to general end-users for creating web sites without access to the remainder of the Definer modules. According to this embodiment, the URL identifying the Web Definer software at server 105 is made available to such end-users whereby they (e.g., client terminal 125) are directed to a welcome page for the Web Definer separate from page 300. The operation of Web Definer as used by such an end-user will now be described. (Co. 29, lines 14-25)

Nowhere in the above-excerpted passages or in the remainder of the patent does Underwood characterize the Web Definer as having the claimed characteristics within the context of a method for selling software, as recited in the pending claims. While the Web Definer appears to enable a customer to create and publish a Web site, there is no teaching in Underwood of a method for selling software that includes posting sales material to an online collaboration tool as claimed herein. If, *arguendo*, one were to be motivated to post sales material to Underwood's Web Definer, such sales materials would not be available for both the sales representative and the customer to

09/728,782

view, access and control simultaneously on respective web browsers over a computer network, as claimed herein. Moreover, there does not appear to be any suggestion, in Underwood, of the desirability of modifying the Web Definer to have the claimed functionality or to sell software using such a modified Web Definer. In fact, Underwood appears wholly unconcerned with conducting a sales session according to the method steps claimed herein. In Underwood, the user may customize a Web site using the Web Definer and its ancillary components, but there are no teachings therein of the manner in which a sales person may sell software online in the manner claimed or in any other manner.

In column 28, Underwood states that the Web Definer may host a "targeted publishing/marketing web site". However, even such hosting of a marketing web site does not rise to the level of a teaching or a suggestion of selling software online by posting sales material to the recited online collaboration tool having the recited functionality. In Underwood, the hosted marketing web site is just that, a web site. Such a targeted web site is not simultaneously viewable accessible, controllable by both the sales representative and the potential customer, as required by claim 7. For example, according to embodiments of the present invention, both the sales representative and the potential customer may simultaneously view and control the cursor shown at reference numeral 414 in Fig. 4, to emphasize the collaborative nature of the tool and of the claimed software selling method. Such control is not possible in Underwood's targeted marketing web site hosted by the Web Definer.

In view of the present amendments to the claims and the foregoing remarks, therefore, it is respectfully submitted that the anticipatory rejections of the remaining claims be reconsidered and withdrawn.

09/728,782

Applicant's attorney believes that all claims are allowable as incorporating allowable subject matter and that the present application is now in condition for an early allowance and passage to issue. If any unresolved issues remain, the Examiner is respectfully invited to contact the undersigned attorney of record at the telephone number indicated below, and whatever is required will be done at once.

Respectfully submitted,

YOUNG LAW FIRM, P.C.

By: 

Alan W. Young, Esq.
Attorney for Applicant
Registration No. 37,970
4370 Alpine Road, Suite 106
Portola Valley, CA 94028
Telephone: (650) 851-7210
Facsimile: (650) 851-7232

Date: August 25, 2004